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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,134	12/20/2001	Thomas Leonard Schwartz	81506JDL	2427
7590	12/27/2004		EXAMINER	
Lawrence P. Kessler Patent Department NexPress Solutions LLC 1447 St. Paul Street Rochester, NY 14653-7103			JASMIN, LYNDA C	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 10/028,134	Applicant(s) SCHWARTZ ET AL.
Examiner Lynda Jasmin	Art Unit 3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 December 2001.
 - 2a) This action is FINAL. 2b) This action is non-final.
 - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 1-36 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 - 5) Claim(s) _____ is/are allowed.
 - 6) Claim(s) 1-36 is/are rejected.
 - 7) Claim(s) _____ is/are objected to.
 - 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12/20/2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/15/2002.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 3, 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, the recitation "said user interface" lacks proper antecedent basis.

In claim 5, the recitation "of said serviceable components" lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4-12, and 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Haines et al. (6,295,423 B1).

Haines discloses an inventory management system and method of having at least one piece of equipment (via peripheral unit 10), a plurality of components within the piece of

equipment (col. 3, lines 56-60), each of the components having an expected lifetime (via a lifetime monitoring mechanism), a computational element operatively coupled to the equipment (via artificially intelligence 50; col. 7, line 55 through col. 8, lines 12), an inventory of replacement parts for the components contained within the computational element (inherently recited via reordering and restocking of consumable parts), and a mechanism for tracking the inventory by recording a total of the expected lifetime of the components within the inventory (col. 8, lines 6-17). The computational element further comprises a user interface to the computational element (via a control panel interface). The components have at least one threshold related to the expected lifetime and the mechanism monitors the threshold (col. 8, lines 52-56), and at least one threshold for each of the components that is compared against a predetermined parameter for each of a serviceable components (col. 7, lines 10-46), and an inventory database that tracks replacement parts for each of the components within the inventory (via database 48). A user interface that allows one of the following actions relating to the serviceable components such as generation of recommendation reports (via determining whether a user wishes to retain a threshold value for the consumable of interest). The tracking mechanism further comprises an inventory notification system coupled to the inventory database (for example generating a notification when 2-days of consumable are left at current use rates). The mechanism for tracking further includes a set of parameters used to determine quantities of reorder parts for said inventory (via quantity parameter as disclosed in table 1), and a set of parameters used to determine a frequency at

which reorder of parts for the inventory is made (col. 8, lines 33-41). The set of parameters is a rate of use of the replaceable components (col. 6, lines 40-48). Haines further discloses that the piece of equipment is a printing system (such as an electro photographic printer), and the mechanism records a remaining life for the replaceable components (such as sensing the presence of toner at each respective level).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 13, 16-20 and 31-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Haines in view of Hayward et al. (6,798,997 B1).

Haines discloses the element of the claimed invention, however fails to explicitly disclose an input to the user interface cataloging replacement parts placed into and removed from the inventory, and creating an order form.

Hayward et al. discloses the concept of an imaging apparatus including a development station and replaceable parts. A sensor and software system electronically senses a condition in the replaceable part and electronically communicates information relating to the condition to an address defined by the condition. Hayward further discloses a software and user input solution automatically

connects the user to a part supplier, a consumable item, manufacturer, or a consumable item vendor for efficiency, convenience, and timely ordering or inquiry.

Hayward further discloses a monitor module including an "inventory sub-module" to record each time the consumable has been replenished and to deduct consumption of the consumable as the jobs are printed.

Hayward further discloses electronically forming a contract with a supplier for purchase of the replaceable part or consumable with for example digital technology. Hayward et al. further discloses a method of shipment and user account.

From this teaching of Hayward, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the monitoring of consumable in Haines to include the ordering and process taught by Hayward in order to facilitate replacement of consumed parts.

7. Claims 14, 15, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haines. Although Haines does not explicitly disclose a daily printer page count, however, Haines discloses the concept of compiling usage over a period of use and time by users to make projection about how much toner will be used during a remaining portion of capacity, or life of toner cartridge. Thus, from this teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modify the monitoring and collecting of usage information of Haines to include the tracking a daily printer page count since is only routine in the art.

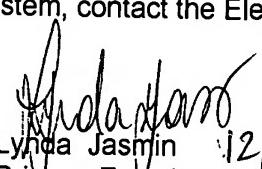
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Graves et al discloses monitoring an inventory of supply consumed in a manufacturing. Mii discloses a controlling system and predicting date for replacement or supply of consumable goods. Scheer discloses fulfilling order in a supply chain. Sedam et al. discloses ordering and tracking maintenance for a machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lynda Jasmin
Primary Examiner
Art Unit 3627

12/22/04